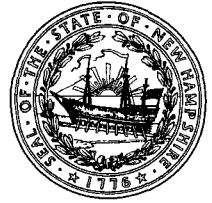




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY
WET 06-048

May 23, 2006

William Hoyt
118 South Sugar Hill Rd
Weare, NH 03281

RE: DES Wetlands File #2006-00686 118 South Sugar Hill Rd, Weare

Dear Mr. Hoyt:

On May 9, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Weare Tax Map 403 as Lot 202 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A road had been constructed in a wetland. Approximately 4,000 square feet of wetland had been dredged and filled as a result of the road and ditch construction.
2. A culvert had been installed at the entrance, filling approximately 300 square feet of wetland.
3. An additional area of approximately 4,000 square feet adjacent to the south and west sides of the road had been dredged, filled and had slash piles located within the wetland.
4. The wetland boundary extends up to the existing lawn in the back yard. Slash piles had been located in the wetland in this location.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for removing the fill, culvert and slash in the wetland and restoring the dredged areas to the original condition on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:

1. Existing conditions, with wetland boundaries; and
2. Proposed conditions after reestablishing the jurisdictional areas;
3. Location and means of proposed erosion controls and method of stabilization of the restored wetland areas.

- b. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*). Include a mixture of ground cover (wetland seed mix) trees and shrubs to re-establish the native vegetation in the wetland;
 - c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance dates. The construction sequence should contain provisions for the following:
 - 1. Removal of the fill to the level of the original organic soils.
 - 2. Removal of the culvert.
 - 3. Placing the dredge spoils to their original location in the ditch.
 - 4. Seeding of the graded wetland areas immediately following the fill removal with a wetland seed mix and mulching with straw.
 - 5. A proposed planting schedule including the type of trees and shrubs to be planted.
 - 6. Removal of any additional fill or slash in the wetland.
 - 7. Completion of the wetland restoration activities such as removal of the fill and restoration of the dredged areas by July 15, 2006.
 - 8. Completion of the plantings by September 15, 2006.
 - d. Monitoring progress reports documenting the wetland restoration and including at least 75% survival of all vegetation planted during the restoration project shall be submitted by September 30, 2006 and June 30, 2007.
- 2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 - 3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 8166

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Weare Conservation Commission
Weare Board of Selectmen
USACOE